

Senator from Rhode Island, to update and reintroduce the Law Enforcement De-Escalation Training Act. This legislation will ensure that all of our officers have the skills they need to defuse a potentially dangerous situation that could endanger them or perhaps the individual experiencing the crisis.

Again, use of force should come into play only when absolutely necessary, and this legislation will provide law enforcement with the ready knowledge of what alternatives exist. It will help train police in deescalation tactics, the most effective and safest ways to interact with people experiencing mental health or suicide crises, and how to work as part of a crisis intervention team.

Law enforcement has specifically requested this training, and I am not willing to second-guess them when they say these are important techniques to keep their officers and the general public safe. They are certainly not “soft-on-crime” policies.

This bill has a list of endorsements that is as long as it is diverse. Law enforcement groups, including the Fraternal Order of Police, the National Association of Police Organizations, and the National Sheriffs’ Association have all endorsed this bill. So did the Major County Sheriffs of America, the Major Cities Chiefs Association, and the National Criminal Justice Association.

This legislation also has the support of major mental health groups, including the National Alliance on Mental Illness, the American Psychological Association, and the Meadows Health Policy Institute.

It received the endorsement of folks on the conservative end of the spectrum, such as the American Conservative Union, the Faith and Freedom Coalition, and Right on Crime.

It has the support of faith-based groups, including Prison Fellowship, the National Association of Evangelicals, and the Catholic Prison Ministry Coalition.

It has also received the support of the National Association of Counties, which represents local leaders throughout the country.

Despite this long list of advocates and stakeholders who support this bill and the fact that the Senate passed it unanimously, the House, for some unknown reason, blocked it this last week. While it received majority support, it failed to clear the two-thirds threshold necessary under the House suspension calendar.

Many of the people who voted against this bill are the same ones who supported deescalation training grants multiple times in previous years. They are even on record promoting their support in the media.

As recently as 2 months ago, grants for deescalation training were uncontroversial. It is tough to understand what has changed and why anyone would vote against this bill now.

It provides the funding and the training that law enforcement desperately

needs and that will help make encounters between law enforcement and people experiencing a mental health crisis much safer for all concerned. It will help build public confidence and trust in our law enforcement agencies, and, like I said, it has the support of a full range of stakeholders.

There is no ideological or political reason why people would not support this bill, as Members of the Senate and Members of the Congress across the political spectrum have seen the wisdom of passing this legislation. But I must say that anyone who considers themselves “pro-police” or pro-law enforcement should be pro this legislation.

I am disappointed, as I said, that the House blocked this bill from heading to the President’s desk last week, and I am hopeful that Speaker PELOSI and Leader HOYER will schedule another vote at a simple majority threshold soon.

I look forward to that second vote because, as we know, House Republicans have been very clear about their support for America’s police officers.

Earlier this year, they rolled out their “Commitment to America” framework, which included a commitment to build a nation that is safe. Part of that commitment is to “oppose all efforts to defund the police.” I stand by that commitment 100 percent, and no one who supports the Commitment to America should waiver in their support of law enforcement, including this particular piece of legislation.

In order for every American to not only be safe but to feel safe, we need to enact long overdue reforms to ensure police are more responsibly serving our communities, and that is that they have the training and tools they need in order to do their dangerous and difficult job.

The Law Enforcement De-Escalation Training Act will go a long way to give those officers the funding and training that they have requested and that they need in order to do their jobs better.

Just as House Republicans have promised, we must give America’s brave law enforcement officers the resources they need in order to protect and serve our communities.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. BLACKBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPEN APP MARKETS ACT

Mrs. BLACKBURN. Madam President, this past February, the Senate Judiciary Committee agreed 20 to 2 to pass the Open App Markets Act. This is a piece of legislation I put together with Senator BLUMENTHAL to stop tech giants from stifling competition in the app store marketplace.

Through their control of the app stores on consumer devices as well as

the device operating systems themselves, Apple and Google have become the gatekeepers of information. They do this by physically locking down the devices they control, making it near impossible to access competing content.

Apple fully prevents consumers from accessing third-party apps and app stores on their mobile devices. Google allows more access to outside apps but makes the process so difficult that they might as well lock down their devices the way Apple is locking down the iPhone.

These companies claim that these restrictions make your devices more secure, but they don’t apply the same policies to their laptops and other similar consumer devices; it is only on the iPhone and on the Android. Why would that be? Now, I don’t know for sure, but I do know this: By locking down their mobile devices, Apple and Google can force app developers to abide by their terms no matter how harsh those terms may be.

Recently, Daniel Eck, who is the founder and CEO of Spotify, said: “Over and over again, Apple gives itself every advantage while at the same time stifling innovation and hurting consumers.” Elon Musk, now the CEO of Twitter, has criticized the 30-percent “tax” that Apple and Google take from developers.

What is more, app creators can’t go to consumers themselves to offer them a better deal because that kind of contact is forbidden by Apple and Google in their terms of service. Think about it. You can’t even reach out to the people who have your app because Apple and Google forbid you, the developer, from contacting the consumer who is using your app.

Consider the positions startup developers are placed in. Imagine trying to get your business off the ground in a market where two major players control access to your potential customers. There is no other market, and you can’t negotiate with them, so you are forced to play by the rules the gatekeepers are forcing on you. Under those rules, the gatekeepers control your access to your customers. They use your confidential business information against you and block you from using the features on your customers’ device to give them a better experience.

I heard just this story from a Tennessee named Karen Thomas, who is the CEO of Agrin Health in Nashville. Listen to the way she describes how Apple held her company’s app hostage. I am quoting her story.

They demanded changes that would eliminate Agrin’s paid functions in its web app and stopped Karen from updating her mobile app—which was free—until she began charging consumers through Apple’s in-app payment system. This, again, would let Apple take a 30% cut of every subscription Agrin received.

That is the “Apple tax” in action.

Karen said:

Our app and our mission was set to die at the hands of Apple unless our infant company came up with hundreds of thousands of dollars to reconfigure our service delivery while losing 30% of associated revenue—and we are not alone.

It doesn't matter if you are a startup or an established company: When it comes to the digital economy, you depend on Apple and Google to stay alive because they control your access to your customers. They are the gatekeepers of your information.

Now, the Open App Markets Act made it out of committee and almost unanimously received that vote—as I said, 20 to 2. Republicans and Democrats agree that this is not the way a healthy marketplace should be working. That is why we got that near-unanimous vote.

This bill needs a vote because it will set the fair, clear, and enforceable rules needed to protect the competition. It will force Big Tech to allow third-party apps and app stores on their devices. App store owners won't be able to lock developers into in-app payment arrangements anymore, which opens the door to competitive pricing. Developers will also be able to keep their confidential business information private. Imagine having to share your information—somebody else controls it—and they use your business information to compete against you. Most importantly, the developers will be able to communicate with their customers, which for any business owner is key to creating a strong product or service.

I think it has become clear that the American people know how much Big Tech is controlling their lives, but they are no longer content to sit by and let these companies consolidate power, especially at the expense of freedom and basic human rights.

Over the past few weeks, we have watched the Chinese people revolt against Xi Jinping's "zero-COVID" lockdowns. Much of the coverage has come to us via apps we have downloaded on our phone. But for the protesters in China, their use of tech is a double-edged sword.

We know the Chinese Communist Party is using apps and other forms of technology to identify and surveil and ultimately punish the protesters in China. People are being tracked via their virtual private networks and through apps like Signal and Telegram.

For activists with iPhones, their options are now even more limited. Before the protests boiled over, Apple made the unforgivable choice to disable the AirDrop feature in China only. That is right—the only place on the face of the Earth that Apple decided to disable AirDrop was in China, just prior to the protests.

This feature was an activist's best friend because it allowed one person to share files with an entire local network with no way for the government to come in and monitor what they were sending. It was a game changer, and Apple decided to flip the switch.

When reporters asked Apple's CEO Tim Cook last week if he supported the protesters in China, he refused to answer. Now, I agree, this is incomprehensible—until you remember that China is Apple's largest market outside of the United States, and it is a major source for Apple's supply chain. In fact, both Apple and Google have a long history of giving authoritarian governments everything that they ask for. Last fall, both companies acted on Moscow's orders and removed an app designed to coordinate protest voting in the Russian elections.

My colleagues may remember the scandal that was the 2022 Beijing Winter Olympic's app. The Chinese Communist Party forced all the athletes and coaches and spectators to use this app. They didn't have a choice. Both Apple and Google listed it on their phones even though they knew the CCP was using it to spy on their customers.

This isn't mere gatekeeping; this is picking winners and losers in an environment where the losers could end up dead because of the decisions these companies are making.

When I first started working on this bill with Senator BLUMENTHAL, I received letters from several human rights organizations thanking me for paying attention to how these companies were using their power. We know that Apple has plans to move some of their production out of China, so perhaps some day, the Chinese Communist Party will have less of a stranglehold on free communication around the world. But I would remind my colleagues that moving the chess pieces of production, while vitally important, does not fully address the problem we are trying to solve with the Open App Markets Act. Think of everything that happened before Apple decided to speed up this transition. We don't have time to put this bill on a shelf while China and Big Tech work out their differences.

The digital marketplace is no longer a novelty; it is an essential service that billions of people rely on. In 2020, U.S. consumers spent nearly \$33 billion in mobile app stores and downloaded more than 13.4 billion apps. Two companies exclusively dictate the terms of that market. They have certainly made it clear that their power comes first, their profits are more important, and the customers are at the end of the list. They are last on the list of concerns.

Every day, I hear from Tennesseans who have realized just how little control they have over their mobile device. They live half of their lives on their device, and they are no longer comfortable letting Apple and Google dictate the terms of their interactions with the rest of the world.

We shouldn't be comfortable with allowing that to continue. I would encourage my colleagues to join with Senator BLUMENTHAL and with me and support this legislation. Let's get it passed and to the President's desk.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 1238.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Jeffery Paul Hopkins, of Ohio, to be United States District Judge for the Southern District of Ohio.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 1238, Jeffery Paul Hopkins, of Ohio, to be United States District Judge for the Southern District of Ohio.

Charles E. Schumer, Richard J. Durbin, Alex Padilla, Michael F. Bennet, Brian Schatz, Robert P. Casey, Jr., Mazie Hirono, Chris Van Hollen, Jacky Rosen, Margaret Wood Hassan, Sherrod Brown, Amy Klobuchar, Tina Smith, Debbie Stabenow, Elizabeth Warren, Kirsten E. Gillibrand, Tammy Duckworth.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 1183.